S.B. CIVIL WRIT PETITION NO. 3397/2006.

CHHAGAN GIRI
VS.
STATE & ORS.

DATE OF ORDER : 14.7.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. L.D. Khatri for the petitioner.

By this petition for writ, a challenge is given to the order dated 16.7.98 passed by Superintendent of Police, Jaisalmer whereby the application preferred by the petitioner seeking appointment on compassionate grounds is rejected.

The contention of counsel for the petitioner is that his father was in employment of Rajasthan Police in the capacity of Constable and he died while in service on 21.12.98. At the time of death of his father, the petitioner was minor and, therefore, appointment could not be given to him at that time. The petitioner moved an application after acquiring majority for appointment on compassionate grounds under Recruitment of Dependents of Government Servants Dying while in Service Rules, 1975.

The Superintendent of Police, Jaisalmer by the order dated 16.7.98 rejected the application submitted by the petitioner on the count that the same was not submitted within the limitation prescribed for moving such application under Rajasthan Compassionate Appointments of Dependents of Government Servants Rules, 1996. It is contended by counsel for the petitioner that the case of the petitioner is required to be governed under the Rules of 1975 and not under the Rules of 1996.

Heard counsel for the petitioner.

The order impugned was passed by the Superintendent of Police, Jaisalmer on 16.7.98 i.e. about eight years back and the petitioner has filed this instant petition for writ on 06th February, 2006. No sufficient explanation is available for filing this petition at such a belated stage. Beside the above, the appointment on compassionate ground in the State of Rajasthan are governed by Rules of 1996. The Rules of 1975 are having no application after introduction of the Rules of 1996.

Further, the appointments under compassionate grounds cannot be demanded as a matter of rights, it is an aid to the members of the deceased government service as an immediate relief.

For the reasons mentioned above, this writ petition is dismissed.

(GOVIND MATHUR)J.

Anil/